



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,156	01/30/2002	Brian Minear	010182	8738

23696 7590 04/11/2007
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/11/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kascanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary

Application No.

10/062,156

Applicant(s)

MINEAR ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION
Claim Rejections - 35 USC § 112

1 The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 7, 11, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 7, 11, and 19, recites the ["negotiation forum between a delivery entity and receiver entity and receiving metadata associated with an application from a delivery entity and presenting the metadata associated with the application to the receiver entity;"].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear the specification fails to clarify, the meaning of the limitation because it seem the receiver entity is receiving the metadata two times or who else is the data is presented too. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Hori et al (Hereinafter Hori U.S Patent 6, 792, 280).

As per claim 1, Hori discloses a method for performing automated distribution and billing, comprising: providing a negotiation forum between a delivery entity and a receiver entity; receiving metadata associated with an application from a delivery entity.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24) presenting the metadata associated with the

Art Unit: 3692

application to the receiver entity; receiving an acceptance of the metadata by the delivery entity and the receiver entity; configuring a catalog for the receiving entity associating the application and the metadata in a central repository; receiving indication that a transaction of the product occurred and sending the catalog (i. e, coupon) information to the receiver entity.(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) transmitting billing information to the receiver entity.(see column 6 lines 19-28 and column 8 lines 58-67).

As per claim 2, Hori discloses wherein the transaction includes information about the application being downloaded to a wireless device. .(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 3, Hori discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity. .(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 4, Hori discloses wherein the metadata includes billing information associated with the application. .(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 5, Hori discloses wherein the receiver entity is a carrier. .(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 6, Hori discloses wherein in the delivery entity is a developer. .(note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 7, Hori discloses a system for performing automated distribution and billing, comprising:

means for providing a negotiation forum between a delivery entity and a receiver entity;
means for receiving metadata associated with an application from a delivery entity;

Art Unit: 3692

means for presenting the metadata associated with the application to the receiver entity;
means for receiving an acceptance of the metadata by the delivery entity and the receiver entity.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67)

means for configuring a catalog for the receiving entity associating the application and the metadata in a central repository means for sending the catalog ("i. e, coupon") information to the receiver entity.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67)

means for receiving indication that a transaction of the product occurred.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) and means for transmitting billing information to the receiver entity. .(see column 6 lines 19-28 and column 8 lines 58-67).

As per claim 8, Hori discloses wherein the transaction includes information about the application being downloaded to a wireless device. (note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 9, Hori discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 10, Hori discloses wherein the metadata includes billing information associated with the application. (note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 11, Hori discloses a computer-readable medium having computer executable instructions that when execute perform a method for performing automated distribution and billing, comprising: providing a negotiation forum between a delivery entity and a receiver entity .(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-

Art Unit: 3692

67) receiving metadata associated with an application from a delivery entity; presenting the metadata associated with the application to the receiver entity; receiving an acceptance of the metadata by the delivery entity and the receiver entity; configuring a catalog for the receiving entity associating the application and the metadata in a central repository.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) sending the catalog ("i.e, coupon") information to the receiver entity receiving indication that a transaction of the product occurred.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) and transmitting billing information to the receiver entity. (see column 6 lines 19-28 and column 8 lines 58-67).

As per claim 12, Hori discloses wherein the transaction includes information about the application being downloaded to a wireless device. (note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 13, Hori discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity.(note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 14, Hori discloses wherein the metadata includes billing information associated with the application. (note abstract and see column 1 lines 40-67 and column 2 lines1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 15, Hori discloses an automated distribution and billing system, comprising:
an extranet accessible by multiple carriers and multiple developers and which use as a negotiation forum;
a server having a central repository that stores metadata associated with an application;
and a transaction server to receive transaction data associated with the downloading of a product and, using the metadata.(note abstract and see column 1 lines 40-67 and

Art Unit: 3692

column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) determines billing information associated with the downloading of the product. (see column 6 lines 19-28 and column 8 lines 58-67).

As per claim 16, Hori discloses wherein the transaction server sends the billing information to a carrier. (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 17, Hori discloses wherein the transaction server sends the billing information to a developer. (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 18, Hori discloses wherein the transaction data is associated with a product is downloaded to a wireless device. (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67).

As per claim 19, Hori discloses a system for distributing applications over a wireless network, comprising:
a centralized processor operable to perform administrative functions associated with downloading an application to a wireless device (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) a local processor connected to the centralized processor and operable to receive catalog data and the application from the centralized processor, to transmit the catalog and application to the wireless device, and to record transaction data associated with the transmission of the application (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67) and a transaction server connected to the centralized processor and the local processor and operable to receive metadata information from the centralized processor, receive transaction data from the local processor, and process the metadata. (note abstract and see column 1 lines 40-67 and column 2 lines 1-67 and column 3 lines 20-38 and column 4 lines 10-24 and column 17-18 lines 1-67)

Art Unit: 3692

information and transaction data for billing.(see column 6 lines 19-28 and column 8 lines 58-67).

Conclusion

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 1/18/2007 has been fully considered but they are moot in view of new grounds of rejections.

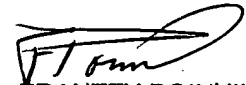
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571272-6777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

March 22, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
Art 3692